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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 22 2016
BY K. Voong ANALYST

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2015-000497

13 **JANE WONG, P.A.**
14 **3079 Lamplighter Street**
15 **Simi Valley, CA 93065**
16 **Physician Assistant License No. PA19420,**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

PARTIES

18 1. Glenn L. Mitchell, Jr. (Complainant) brings this Accusation solely in his official
19 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer
20 Affairs.

21 2. On or about October 16, 2007, the Physician Assistant Board issued Physician
22 Assistant License Number PA19420 to JANE WONG, P.A. (Respondent). The Physician
23 Assistant License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on February 28, 2017, unless renewed.

JURISDICTION

25 3. This Accusation is brought before the Physician Assistant Board (Board), Department
26 of Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code unless otherwise indicated.
28

1 4. Section 3527 of the Code states:

2 “(a) The board may order the denial of an application for, or the issuance subject to terms
3 and conditions of, or the suspension or revocation of, or the imposition of probationary conditions
4 upon a physician assistant license after a hearing as required in Section 3528 for unprofessional
5 conduct which includes, but is not limited to, a violation of this chapter, a violation of the
6 Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board
7 of California.

8 “(b) The board may order the denial of an application for, or the suspension or revocation
9 of, or the imposition of probationary conditions upon, an approved program after a hearing as
10 required in Section 3528 for a violation of this chapter or the regulations adopted pursuant
11 thereto.

12 “(c) The Medical Board of California may order the denial of an application for, or the
13 issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition
14 of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as
15 required in Section 3528, for unprofessional conduct, which includes, but is not limited to, a
16 violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations
17 adopted by the board or the Medical Board of California.

18 “(d) Notwithstanding subdivision (c), the Division of Medical Quality of the Medical
19 Board of California, in conjunction with an action it has commenced against a physician and
20 surgeon, may, in its own discretion and without the concurrence of the Medical Board of
21 California, order the suspension or revocation of, or the imposition of probationary conditions
22 upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528,
23 for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, a
24 violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the
25 Medical Board of California.

26 “(e) The board may order the denial of an application for, or the suspension or revocation
27 of, or the imposition of probationary conditions upon, a physician assistant license, after a hearing
28 as required in Section 3528 for unprofessional conduct which includes, except for good cause, the

1 knowing failure of a licensee to protect patients by failing to follow infection control guidelines of
2 the board, thereby risking transmission of blood-borne infectious diseases from licensee to
3 patient, from patient to patient, and from patient to licensee. In administering this subdivision,
4 the board shall consider referencing the standards, regulations, and guidelines of the State
5 Department of Health developed pursuant to Section 1250.11 of the Health and Safety Code and
6 the standards, regulations, and guidelines pursuant to the California Occupational Safety and
7 Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for
8 preventing the transmission of HIV, Hepatitis B, and other blood-borne pathogens in health care
9 settings. As necessary, the committee shall consult with the Medical Board of California, the
10 Board of Podiatric Medicine, the Board of Dental Examiners, the Board of Registered Nursing,
11 and the Board of Vocational Nurse and Psychiatric Technicians, to encourage appropriate
12 consistency in the implementation of this subdivision.

13 “The board shall seek to ensure that licensees are informed of the responsibility of licensees
14 and others to follow infection control guidelines, and of the most recent scientifically recognized
15 safeguards for minimizing the risk of transmission of blood-borne infectious diseases.

16 “(f) The board may order the licensee to pay the costs of monitoring the probationary
17 conditions imposed on the license.

18 “(g) The expiration, cancellation, forfeiture, or suspension of a physician assistant license
19 by operation of law or by order or decision of the board or a court of law, the placement of a
20 license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive
21 the board of jurisdiction to commence or proceed with any investigation of, or action or
22 disciplinary proceeding against, the licensee or to render a decision suspending or revoking the
23 license.”

24 5. Section 2234 of the Code states:

25 “The board shall take action against any licensee who is charged with unprofessional
26 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
27 limited to, the following:

28 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the

1 violation of, or conspiring to violate any provision of this chapter.

2 “(b) Gross negligence.

3 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
4 omissions. An initial negligent act or omission followed by a separate and distinct departure from
5 the applicable standard of care shall constitute repeated negligent acts.

6 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
7 for that negligent diagnosis of the patient shall constitute a single negligent act.

8 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
9 constitutes the negligent act described in paragraph (1), including, but not limited to, a
10 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
11 applicable standard of care, each departure constitutes a separate and distinct breach of the
12 standard of care.

13 “(d) Incompetence.

14 “(e) The commission of any act involving dishonesty or corruption that is substantially
15 related to the qualifications, functions, or duties of a physician and surgeon.

16 “(f) Any action or conduct that would have warranted the denial of a certificate.

17 “(g) The practice of medicine from this state into another state or country without meeting
18 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
19 apply to this subdivision. This subdivision shall become operative upon the implementation of
20 the proposed registration program described in Section 2052.5.

21 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend
22 and participate in an interview by the board. This subdivision shall only apply to a certificate
23 holder who is the subject of an investigation by the board.”

24 6. Section 2261 of the Code states:

25 “Knowingly making or signing any certificate or other document directly or indirectly
26 related to the practice of medicine or podiatry which falsely represents the existence or
27 nonexistence of a state of facts, constitutes unprofessional conduct.”

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1 7. Section 2263 of the Code states:

2 “The willful, unauthorized violation of professional confidence constitutes unprofessional
3 conduct.”

4 8. Section 581 of the Code states:

5 “No person, company, or association shall purchase or procure by barter or by any unlawful
6 means or method, or have in possession any diploma, certificate, transcript, or any other writing
7 with intent that it shall be used as evidence of the holder's qualifications to practice as a physician
8 and surgeon, osteopathic physician, podiatrist, any other system or mode of treating the sick or
9 afflicted, as provided in the Medical Practice Act, Chapter 5 (commencing with Section 2000), or
10 to practice as any other licentiate under this division or in any fraud of the law regulating this
11 practice or, shall with fraudulent intent, alter in a material regard, any such diploma, certificate,
12 transcript, or any other writing.”

13 9. Section 582 of the Code states:

14 “No person, company, or association shall use or attempt to use any diploma, certificate,
15 transcript, or any other writing which has been purchased, fraudulently issued, illegally obtained,
16 counterfeited, or materially altered, either as a certificate or as to character or color of certificate,
17 to practice as a physician and surgeon, podiatrist, osteopathic physician, or a chiropractor, or to
18 practice any other system or mode of treating the sick or afflicted, as provided in the Medical
19 Practice Act, Chapter 5 (commencing with Section 2000) or to practice as any other licentiate
20 under this division.”

21 10. Section 125.3 of the Code states, in pertinent part, that the Board may request an
22 administrative law judge to “direct a licentiate found to have committed a violation or violations
23 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.”

25 11. California Code of Regulations, title 16, section 1399.521 states:

26 “In addition to the grounds set forth in section 3527, subdivision (a), of the Code, the board
27 may deny, issue subject to terms and conditions, suspend, revoke or place on probation a
28 physician assistant for the following causes: (a) Any violation of the State Medical Practice Act

1 which would constitute unprofessional conduct for a physician and surgeon. (b) Using fraud or
2 deception in passing an examination administered or approved by the board. (c) Practicing as a
3 physician assistant under a physician who has been prohibited by the Medical Board of California
4 or the Osteopathic Medical Board of California from supervising physician assistants. (d)
5 Performing medical tasks which exceed the scope of practice of a physician assistant as
6 prescribed in these regulations.”

7 12. California Code of Regulations, title 16, section 1399.525, states:

8 “For the purposes of the denial, suspension or revocation of a license or approval pursuant
9 to division 1.5 (commencing with section 475) of the code, a crime or act shall be considered to
10 be substantially related to the qualifications, functions or duties of a person holding a license
11 under the Physician Assistant Practice Act if to a substantial degree it evidences present or
12 potential unfitness of a person holding such a license to perform the functions authorized by the
13 license or approval in a manner consistent with the public health, safety or welfare. Such crimes
14 or acts shall include, but are not limited to, the following:

15 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
16 violation of, or conspiring to violate any provision or term of the Medical Practice Act.

17 “(b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
18 violation of, or conspiring to violate any provision or term of the Physician Assistant Practice Act.

19 “(c) A conviction of child abuse.

20 “(d) Conviction as a sex offender.

21 “(e) Any crime or act involving the sale, gift, administration, or furnishing of narcotics or
22 dangerous drugs or dangerous devices, as defined in Section 4022 of the code.

23 “(f) Conviction for assault and/or battery.

24 “(g) Conviction of a crime involving lewd conduct.

25 “(h) Conviction of a crime involving fiscal dishonesty.

26 “(i) Conviction for driving under the influence of drugs or alcohol.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Falsifying a Physician Assistant License Renewal)**

3 13. Respondent is subject to disciplinary action under section 3517, section 2261, section
4 2234, section 581 and section 582 of the Code and California Code of Regulations, title 16,
5 section 1399.521 and section 1399.525 in that Respondent, on two separate occasions, attempted
6 to pass a forged Physician Assistant renewal ID card as genuine. The circumstances are as
7 follows:

8 14. On or about October 16, 2007, Respondent was granted a Physician Assistant
9 License. In December 2014, Respondent was informed by her employer, UCLA Medical Center,
10 that her license was scheduled to expire on February 28, 2015. In December 2014, Respondent
11 mailed a personal check for her license renewal fee to the Physician Assistant Board. Respondent
12 believed her continued participation in the renewal process was no longer necessary.

13 15. Between December 2014 and January 2015, Respondent was again contacted by her
14 employer regarding the status of her license renewal. Respondent's employer informed her,
15 according to the Department of Consumer Affairs (DCA) website, the license renewal had not
16 been processed and was scheduled to expire on February 28, 2015. Respondent contacted the
17 DCA and was instructed to send a second personal check in the amount required for renewal of
18 her license directly to the Sacramento office. Respondent included an additional fee for an
19 "employee verification letter" of the renewal process to be sent to her employer.

20 16. On or about February 6, 2015, Respondent's employer requested a copy of her
21 renewed Physician Assistant License "pocket ID card." However, Respondent had yet to receive
22 her renewed ID card. As such Respondent made the decision to create a fraudulent ID card.

23 17. Respondent drove to a local Fed-Ex Office store and created a false ID card. She
24 included an expiration date of 2018 on the fraudulent ID card. Respondent then faxed a copy of
25 the card to her employer.

26 18. Respondent's employer attempted to authenticate the ID card. However, when
27 compared to Respondent's license information on the DCA website, the information on the
28 submitted ID card was inconsistent. Respondent's employer then contacted the Board directly.

1 The Board informed Respondent's employer that her license was renewed and the expiration date
2 was February 28, 2017. Additionally, the Board informed Respondent's employer that the
3 renewals of licenses are extended only two years at a time.

4 19. Respondent was again contacted by her employer regarding the incorrect 2018
5 expiration date listed on the previously submitted ID card. Respondent again drove to a local
6 Fed-Ex Office store and created a second false ID card. On or about February 26, 2015,
7 Respondent provided the second false ID card to her employer. The second false ID card
8 reflected the correct expiration date of February 28, 2017. Respondent's employer, once again,
9 investigated the authenticity of the ID card.

10 20. The Board informed Respondent's employer that neither of the previously submitted
11 ID cards were issued by the State of California. In fact, the Board informed Respondent's
12 employer that they only received Respondent's payment on February 25, 2015, and an original ID
13 card would not be mailed for approximately four to six weeks. Respondent's employer then
14 informed her of the findings and requested additional information and explanation.

15 21. During the course of discussions with her employer, Respondent maintained that the
16 problems with her previously submitted ID cards was simply a misunderstanding.

17 22. Respondent's employer inquired as to how Respondent acquired the ID card with the
18 2018 expiration date. Respondent explained that the ID card that contained the 2018 expiration
19 date "must have been an advertisement." However, Respondent maintained that the second
20 submitted ID card was provided to her by the Board and was authentic.

21 23. Respondent's employer requested further information from Respondent regarding the
22 accuracy of the submitted ID card. Respondent was unwilling to provide such information.

23 24. On or about March 6, 2015, Respondent was placed on administrative leave due to
24 her employer's belief that she provided falsified license renewal documents. Respondent was
25 further informed that her employment would be terminated on March 24, 2015. Upon being
26 placed on leave, Respondent was informed that she could respond to the allegations and provide
27 supporting documents. Respondent failed to provide any information in her defense. As such,
28 her employment was terminated on March 24, 2015.

25. On or about July 21, 2015, Investigator S.W. interviewed Respondent who initially claimed that she did not provide falsified ID cards to her employer. Approximately two hours into the interview, Respondent admitted that she fraudulently created both ID cards and that she submitted the same to her employer. On or about February 3, 2016, Respondent again admitted her wrongdoing during a recorded interview with Investigator M.B.

SECOND CAUSE FOR DISCIPLINE

(Dishonest and Fraudulent Conduct)

26. By reasons of the facts set forth in paragraphs 14 through 25, Respondent is subject to disciplinary action under section 3527, section 2234(e), section 581 and section 582 of the Code and California Code of Regulations, title 16, section 1399.521 and section 1399.525 in that Respondent, on two separate occasions, attempted to pass a forged Physician Assistant renewal ID card as genuine. Further, Respondent provided false statements regarding the forged ID cards to her employer and the Medical Board investigator.

27. Respondent's acts and/or omissions as set forth in paragraphs 14 through 25, whether proven individually, jointly, or in any combination thereof, constitutes conduct which breaches the rules or ethical code of the medical professions, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine pursuant to section 3527, section 2234(e), section 581 and section 582 and Code and California Code of Regulations, title 16, section 1399.521 and section 1399.525.

THIRD CAUSE FOR DISCIPLINE

(False Representation)

28. By reasons of the facts set forth in paragraphs 14 through 25, Respondent is subject to disciplinary action under section 2261, section 2234, section 581 and section 582, of the Code and California Code of Regulations, title 16, section 1399.521 and section 1399.525 in that Respondent, on two separate occasions, attempted to pass a forged Physician Assistant renewal ID card as genuine. Further, Respondent provided false statements regarding the forged ID cards to her employer and the Medical Board investigator.

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29. Respondent's acts and/or omissions as set forth in paragraphs 14 through 25, whether proven individually, jointly, or in any combination thereof, constitutes conduct which breaches the rules or ethical code of the medical professions, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine pursuant to section 2261, section 2234, section 581 and section 582, of the Code and California Code of Regulations, title 16, section 1399.521 and section 1399.525.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

30. By reasons of the facts set forth in paragraphs 14 through 25, Respondent is subject to disciplinary action under section 3527, section 2234, section 2261 and section 2263 of the Code, and California Code of Regulations, title 16, section 1399.521 and section 1399.525 in that Respondent, on two separate occasions, attempted to pass a forged Physician Assistant renewal ID card as genuine. Further, Respondent provided false statements regarding the forged ID cards to her employer and the Medical Board investigator.

31. Respondent's acts and/or omissions as set forth in paragraphs 14 through 25, whether proven individually, jointly, or in any combination thereof, constitutes conduct which breaches the rules or ethical code of the medical professions, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine pursuant to section 3527, section 2234, section 2261 and section 2263 of the Code, and California Code of Regulations, title 16, section 1399.521 and section 1399.525.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board issue a decision:

1. Revoking or suspending Physician Assistant License Number PA19420, issued to JANE WONG, P.A.
2. Ordering Jane Wong, P.A. to pay the Physician Assistant Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3, and if placed on probation, the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED: March 22, 2016


GLENN L. MITCHELL, JR.
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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